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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____)	
)	
THE MUSEUM OF MODERN ART, <u>et al.</u> ,)	
)	07 Civ. 11074 (JSR)
Plaintiffs,)	
)	DECLARATION OF
v.)	JOHN J. BYRNE, JR.
)	CLARIFYING FEBRUARY
JULIUS H. SCHOEPS,)	11, 2008 DECLARATION
)	
Defendant.)	
)	
_____)	

JOHN J. BYRNE, JR., under penalty of perjury, declares:

1. I am a member of the firm of Byrne Goldenberg & Hamilton, PLLC, attorneys for

of the State of New York and the bar of the United States District Court for the Southern District of New York. I submit this Declaration to clarify a point in my Declaration of February 11, 2008, submitted in support of Schoeps' Motion to Dismiss the Complaint for Declaratory Relief.

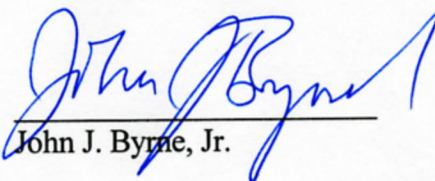
2. In the last sentence of paragraph 25 of my February 11, 2008 Declaration, I state that:

"Although the Guggenheim does not appear to dispute that *Le Moulin de la Galette* 'changed hands' in Nazi Germany in the mid-1930s, it has nonetheless failed to place the painting on NEPIP." NEPIP is The Nazi-Era Provenance Internet Portal Project, located at <www.nepip.org>.

3. Today, I performed a search on NEPIP and found that the Solomon R. Guggenheim Museum has placed *Le Moulin de la Galette* on the NEPIP website. I do not know when this occurred. I have performed many searches on NEPIP in the past regarding this artwork and I have never seen this entry before. Further, unlike many other museums, the Solomon R. Guggenheim Museum still has no link to its own website where a researcher may find actual provenance information about the painting. When I clicked the icon for "more information" on NEPIP, I found the following message: "This museum does not have online collections information and has not provided additional information about this object to the Portal."

I declare under penalty of perjury that the foregoing is true and correct.

February 15, 2008.


John J. Byrne, Jr.